

Reclamation Manual

Directives and Standards

Subject: Land Withdrawals, Withdrawal Reviews, and Withdrawal Revocations

Purpose: Sets forth the basic standards and gives references to the location of applicable procedures for making new land withdrawals, reviewing existing withdrawals, and revoking withdrawals. Detailed information and guidelines are presented in Reclamation's Land Withdrawal Handbook.

Authority: Prior to October 21, 1976, Reclamation withdrawals were made by the Secretary of the Interior pursuant to the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388, 43 U.S.C 416). This authority was repealed by Section 704(a) of the Federal Land Policy and Management Act of 1976 known as FLPMA (Public Law 94-579, 90 Stat. 2743). Withdrawals for Reclamation purposes are now made by the Secretary of the Interior pursuant to the authority contained in Section 204 of FLPMA (43 U.S.C. 1714), Executive Order No. 10355 of May 26, 1952 (17 FR 4831), 43 CFR 2300, and Interior Departmental Manual 603. Revocations of withdrawals are governed by 43 CFR 2370, Act of April 23, 1932 (47 Stat.136; 43 U.S.C. 154), and 43 CFR 3816.

Contact: Program Analysis Office; Land, Recreation, and Cultural Resources Office; D-5300

1. **Definition.** The term "withdrawal" means withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than "property" governed by the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) from one department, bureau or agency to another department, bureau or agency.
2. **Interagency Cooperation.** All withdrawal actions require coordination with the Bureau of Land Management (BLM). Therefore, it is imperative that Reclamation personnel work closely with BLM when applying for new withdrawals, reviewing existing withdrawals, and requesting revocations of withdrawals. In addition to the authorities listed above, withdrawal actions must conform to the Interagency Agreement Between Reclamation and BLM which was signed on March 25, 1983, and the Interior Inspector General Audit Report No. 96-I-1268 on Withdrawn Lands (W-IN-MOA-001-95) dated September 1996.
3. **New Withdrawals.**
 - A. **When to Request a New Withdrawal.** Reclamation will utilize a withdrawal as a method of reserving unappropriated public lands for project purposes only in cases where it is necessary to acquire complete management jurisdiction over an area of public

Reclamation Manual

Directives and Standards

land, or where a right-of-way under section 507 of FLPMA or a cooperative agreement under section 307 of FLPMA will not provide sufficient protection against non-discretionary activities such as locations under the general mining law.

- B. **Procedure for Making New Withdrawals.** Withdrawals are to be made pursuant to the rules and regulations contained in 43 CFR 2310. Congress is notified when a withdrawal exceeding 5,000 acres is made. If Congress disapproves of such a withdrawal within ninety days, it is terminated. These regulations do not apply to withdrawals that are made by the Secretary of the Interior pursuant to an Act of Congress which directs the issuance of an order by the Secretary of the Interior. Hazardous substance environmental site assessment requirements as stated in Interior Department Manual 602 DM 2 must be complied with when making new withdrawals.

4. **Withdrawal Review.**

- A. **Purpose for Withdrawal Reviews.** Periodic reviews of withdrawals as specified in the Bureau of Reclamation Land Withdrawal Handbook will be made for the purpose of determining which withdrawals should be revoked in their entirety, which need to be modified in form or coverage, and which should be retained in their present form and for how long. Decisions to retain, modify, or revoke withdrawals will be made using the same criteria used to make new withdrawals.
- B. **Procedure for Reviewing Withdrawals.** The procedure for reviewing withdrawals, as required by FLPMA and the Interior Department Manual 603, is described in part 2355 of the BLM Manual and BLM Handbook as revised and supplemented by Instruction Memorandums, which can be obtained from any BLM office.

5. **Revocation of Withdrawals.**

- A. **When to Request the Revocation of Withdrawals.** Withdrawn lands which are determined to be surplus to Reclamation's current or planned needs will be restored to the public domain through the filing of a notice of relinquishment to BLM requesting the revocation of the withdrawal.
- B. **Procedure for Revoking Withdrawals.** Withdrawals will be revoked in accordance with the procedures contained in 43 CFR 2370. Hazardous substance environmental site assessment requirements as stated in Interior Department Manual 602 DM 3 must be complied with when revoking withdrawals.

- 6. **Handbook.** For guidance on the procedures for making new withdrawals, reviewing existing withdrawals, and revoking withdrawals, please refer to the Bureau of Reclamation

Reclamation Manual

Directives and Standards

Land Withdrawal Handbook. A copy of the handbook can be obtained from the Land, Recreation, and Cultural Resources Office, D-5300.